

106TH CONGRESS
2D SESSION

S. 2668

To amend the Immigration and Nationality Act to improve procedures for the adjustment of status of aliens, to reduce the backlog of family-sponsored aliens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2000

Mr. GRAHAM (for himself and Mr. SMITH of Oregon) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to improve procedures for the adjustment of status of aliens, to reduce the backlog of family-sponsored aliens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Family, Work and Im-
5 migrant Integration Amendments of 2000”.

1 **TITLE I—CENTRAL AMERICAN**
2 **AND HAITIAN PARITY**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Central American and
5 Haitian Parity Act of 2000”.

6 **SEC. 102. ADJUSTMENT OF STATUS FOR CERTAIN NATION-**
7 **ALS FROM EL SALVADOR, GUATEMALA, HON-**
8 **DURAS, AND HAITI.**

9 Section 202 of the Nicaraguan Adjustment and Cen-
10 tral American Relief Act is amended—

11 (1) in the section heading, by striking “NICA-
12 RAGUANS AND CUBANS” and inserting “NICA-
13 RAGUANS, CUBANS, SALVADORANS, GUATEMALANS,
14 HONDURANS, AND HAITIANS”;

15 (2) in subsection (a)(1)(A), by striking “2000”
16 and inserting “2003”;

17 (3) in subsection (b)(1), by striking “Nicaragua
18 or Cuba” and inserting “Nicaragua, Cuba, El Sal-
19 vador, Guatemala, Honduras, or Haiti”; and

20 (4) in subsection (d)—

21 (A) in subparagraph (A), by striking
22 “Nicaragua or Cuba” and inserting “Nica-
23 ragua, Cuba, El Salvador, Guatamala, Hon-
24 duras, or Haiti; and

1 (B) in subparagraph (E), by striking
2 “2000” and inserting “2003”.

3 **SEC. 103. APPLICATIONS PENDING UNDER AMENDMENTS**
4 **MADE BY SECTION 203 OF THE NICARAGUAN**
5 **ADJUSTMENT AND CENTRAL AMERICAN RE-**
6 **LIEF ACT.**

7 An application for relief properly filed by a national
8 of Guatemala or El Salvador under the amendments made
9 by section 203 of the Nicaraguan Adjustment and Central
10 American Relief Act which was filed on or before the date
11 of enactment of this Act, and on which a final administra-
12 tive determination has not been made, shall, at the election
13 of the applicant, be considered to be an application for
14 adjustment of status under the provisions of section 202
15 of the Nicaraguan Adjustment and Central American Re-
16 lief Act, as amended by section 402 of this Act, upon the
17 payment of any fees, and in accordance with procedures,
18 that the Attorney General shall prescribe by regulation.
19 The Attorney General may not refund any fees paid in
20 connection with an application filed by a national of Gua-
21 temala or El Salvador under the amendments made by
22 section 203 of that Act.

1 **SEC. 104. APPLICATIONS PENDING UNDER THE HAITIAN**
 2 **REFUGEE IMMIGRATION FAIRNESS ACT OF**
 3 **1998.**

4 An application for adjustment of status properly filed
 5 by a national of Haiti under the Haitian Refugee Immi-
 6 gration Fairness Act of 1998 which was filed on or before
 7 the date of enactment of this Act, and on which a final
 8 administrative determination has not been made, may be
 9 considered by the Attorney General, in the unreviewable
 10 discretion of the Attorney General, to also constitute an
 11 application for adjustment of status under the provisions
 12 of section 202 of the Nicaraguan Adjustment and Central
 13 American Relief Act, as amended by section 402 of this
 14 Act.

15 **SEC. 105. TECHNICAL AMENDMENTS TO THE NICARAGUAN**
 16 **ADJUSTMENT AND CENTRAL AMERICAN RE-**
 17 **LIEF ACT.**

18 (a) IN GENERAL.—Section 202 of the Nicaraguan
 19 Adjustment and Central American Relief Act is
 20 amended—

21 (1) in subsection (a)—

22 (A) by inserting before the period at the
 23 end of paragraph (1)(B) the following: “, and
 24 the Attorney General may, in the unreviewable
 25 discretion of the Attorney General, waive the
 26 grounds of inadmissibility specified in section

1 212(a)(1) (A)(i) and (6)(C) of such Act for hu-
2 manitarian purposes, to assure family unity, or
3 when it is otherwise in the public interest”;

4 (B) by redesignating paragraph (2) as
5 paragraph (3);

6 (C) by inserting after paragraph (1) the
7 following:

8 “(2) INAPPLICABILITY OF CERTAIN PROVI-
9 SIONS.—In determining the eligibility of an alien de-
10 scribed in subsection (b) or (d) for either adjustment
11 of status under this section or other relief necessary
12 to establish eligibility for such adjustment, the provi-
13 sions of section 241(a)(5) of the Immigration and
14 Nationality Act shall not apply. In addition, an alien
15 who would otherwise be inadmissible pursuant to
16 section 212(a)(9) (A) or (C) of such Act may apply
17 for the Attorney General’s consent to reapply for ad-
18 mission without regard to the requirement that the
19 consent be granted prior to the date of the alien’s
20 reembarkation at a place outside the United States
21 or attempt to be admitted from foreign contiguous
22 territory, in order to qualify for the exception to
23 those grounds of inadmissibility set forth in section
24 212(a)(9) (A)(iii) and (C)(ii) of such Act.”; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

“(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General

1 grants the application for adjustment of status, the
2 Attorney General shall cancel the order.”;

3 (2) in subsection (b)(1), by adding at the end
4 the following: “Subsection (a) shall not apply to an
5 alien lawfully admitted for permanent residence, un-
6 less the alien is applying for relief under that sub-
7 section in deportation or removal proceedings.”;

8 (3) in subsection (c)(1), by adding at the end
9 the following: “Nothing in this Act requires the At-
10 torney General to stay the removal of an alien who
11 is ineligible for adjustment of status under this
12 Act.”;

13 (4) in subsection (d)—

14 (A) by amending the subsection heading to
15 read as follows: “SPOUSES, CHILDREN, AND
16 UNMARRIED SONS AND DAUGHTERS.—”;

17 (B) by amending the heading of paragraph
18 (1) to read as follows: “ADJUSTMENT OF STA-
19 TUS.—”;

20 (C) by amending paragraph (1)(A) to read
21 as follows:

22 “(A) the alien entered the United States
23 on or before the date of enactment of the Cen-
24 tral American and Haitian Parity Act of
25 1999;”;

(D) in paragraph (1)(B), by striking “except that in the case of” and inserting the following: “except that—

“(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

“(ii) in the case of”; and

(E) by adding at the end the following new paragraph:

“(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

“(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

1 “(i) meets the requirements in para-
2 graphs (1) (B) and (1) (D); and

3 “(ii) applies for such a visa within a
4 time period to be established by such regu-
5 lations.

6 “(B) RETENTION OF FEES FOR PROC-
7 ESSING APPLICATIONS.—The Secretary of State
8 may retain fees to recover the cost of immi-
9 grant visa application processing and issuance
10 for certain spouses and children of aliens whose
11 applications for adjustment of status under sub-
12 section (a) have been approved. Such fees—

13 “(i) shall be deposited as an offsetting
14 collection to any Department of State ap-
15 propriation to recover the cost of such
16 processing and issuance; and

17 “(ii) shall be available until expended
18 for the same purposes of such appropria-
19 tion to support consular activities.”;

20 (5) in subsection (g), by inserting “, or an im-
21 migrant classification,” after “for permanent resi-
22 dence”; and

23 (6) by adding at the end the following new sub-
24 section:

1 “(i) STATUTORY CONSTRUCTION.—Nothing in this
 2 section authorizes any alien to apply for admission to, be
 3 admitted to, be paroled into, or otherwise lawfully return
 4 to the United States, to apply for, or to pursue an applica-
 5 tion for adjustment of status under this section without
 6 the express authorization of the Attorney General.”.

7 (b) EFFECTIVE DATE.—The amendments made by
 8 paragraphs (1)(D), (2), and (6) shall be effective as if in-
 9 cluded in the enactment of the Nicaraguan and Central
 10 American Relief Act. The amendments made by para-
 11 graphs (1) (A)–(C), (3), (4), and (5) shall take effect on
 12 the date of enactment of this Act.

13 **SEC. 106. TECHNICAL AMENDMENTS TO THE HAITIAN REF-**
 14 **UGEE IMMIGRATION FAIRNESS ACT OF 1998.**

15 (a) IN GENERAL.—Section 902 of the Haitian Ref-
 16 ugee Immigration Fairness Act of 1998 is amended—

17 (1) in subsection (a)—

18 (A) by inserting before the period at the
 19 end of paragraph (1)(B) the following: “, and
 20 the Attorney General may waive the grounds of
 21 inadmissibility specified in section 212(a)
 22 (1)(A)(i) and (6)(C) of such Act for humani-
 23 tarian purposes, to assure family unity, or when
 24 it is otherwise in the public interest”;

1 (B) by redesignating paragraph (2) as
2 paragraph (3);

3 (C) by inserting after paragraph (1) the
4 following:

5 “(2) INAPPLICABILITY OF CERTAIN PROVI-
6 SIONS.—In determining the eligibility of an alien de-
7 scribed in subsection (b) or (d) for either adjustment
8 of status under this section or other relief necessary
9 to establish eligibility for such adjustment, or for
10 permission to reapply for admission to the United
11 States for the purpose of adjustment of status under
12 this section, the provisions of section 241(a)(5) of
13 the Immigration and Nationality Act shall not apply.
14 In addition, an alien who would otherwise be inad-
15 missible pursuant to section 212(a)(9) (A) or (C) of
16 such Act may apply for the Attorney General’s con-
17 sent to reapply for admission without regard to the
18 requirement that the consent be granted prior to the
19 date of the alien’s reembarkation at a place outside
20 the United States or attempt to be admitted from
21 foreign contiguous territory, in order to qualify for
22 the exception to those grounds of inadmissibility set
23 forth in section 212(a)(9) (A)(iii) and (C)(ii) of such
24 Act.”; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

“(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General

1 grants the application for adjustment of status, the
2 Attorney General shall cancel the order.”;

3 (2) in subsection (b)(1), by adding at the end
4 the following: “Subsection (a) shall not apply to an
5 alien lawfully admitted for permanent residence, un-
6 less the alien is applying for such relief under that
7 subsection in deportation or removal proceedings.”;

8 (3) in subsection (c)(1), by adding at the end
9 the following: “Nothing in this Act shall require the
10 Attorney General to stay the removal of an alien
11 who is ineligible for adjustment of status under this
12 Act.”;

13 (4) in subsection (d)—

14 (A) by amending the subsection heading to
15 read as follows: “SPOUSES, CHILDREN, AND
16 UNMARRIED SONS AND DAUGHTERS.—”;

17 (B) by amending the heading of paragraph
18 (1) to read as follows: “ADJUSTMENT OF STA-
19 TUS.—”;

20 (C) by amending paragraph (1)(A), to read
21 as follows:

22 “(A) the alien entered the United States
23 on or before the date of enactment of the Cen-
24 tral American and Haitian Parity Act of
25 1999;”;

1 (D) in paragraph (1)(B), by striking “ex-
2 cept that in the case of” and inserting the fol-
3 lowing: “except that—

4 “(i) in the case of such a spouse, step-
5 child, or unmarried stepson or step-
6 daughter, the qualifying marriage was en-
7 tered into before the date of enactment of
8 the Central American and Haitian Parity
9 Act of 1999; and

10 “(ii) in the case of”;

11 (E) by adding at the end of paragraph (1)
12 the following new subparagraph:

13 “(E) the alien applies for such adjustment
14 before April 3, 2003.”; and

15 (F) by adding at the end the following new
16 paragraph:

17 “(3) ELIGIBILITY OF CERTAIN SPOUSES AND
18 CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

19 “(A) IN GENERAL.—In accordance with
20 regulations to be promulgated by the Attorney
21 General and the Secretary of State, upon ap-
22 proval of an application for adjustment of sta-
23 tus to that of an alien lawfully admitted for
24 permanent residence under subsection (a), an
25 alien who is the spouse or child of the alien

1 being granted such status may be issued a visa
2 for admission to the United States as an immi-
3 grant following to join the principal applicant,
4 if the spouse or child—

5 “(i) meets the requirements in para-
6 graphs (1)(B) and (1)(D); and

7 “(ii) applies for such a visa within a
8 time period to be established by such regu-
9 lations.

10 “(B) RETENTION OF FEES FOR PROC-
11 ESSING APPLICATIONS.—The Secretary of State
12 may retain fees to recover the cost of immi-
13 grant visa application processing and issuance
14 for certain spouses and children of aliens whose
15 applications for adjustment of status under sub-
16 section (a) have been approved. Such fees—

17 “(i) shall be deposited as an offsetting
18 collection to any Department of State ap-
19 propriation to recover the cost of such
20 processing and issuance; and

21 “(ii) shall be available until expended
22 for the same purposes of such appropria-
23 tion to support consular activities.”;

1 (5) in subsection (g), by inserting “, or an im-
2 migrant classification,” after “for permanent resi-
3 dence”;

4 (6) by redesignating subsections (i), (j), and (k)
5 as subsections (j), (k), and (l), respectively; and

6 (7) by inserting after subsection (h) the fol-
7 lowing new subsection:

8 “(i) **STATUTORY CONSTRUCTION.**—Nothing in this
9 section authorizes any alien to apply for admission to, be
10 admitted to, be paroled into, or otherwise lawfully return
11 to the United States, to apply for, or to pursue an applica-
12 tion for adjustment of status under this section without
13 the express authorization of the Attorney General.”.

14 (b) **EFFECTIVE DATE.**—The amendments made by
15 paragraphs (1)(D), (2), and (6) shall be effective as if in-
16 cluded in the enactment of the Haitian Refugee Immigra-
17 tion Fairness Act of 1998. The amendments made by
18 paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect
19 on the date of enactment of this Act.

20 **SEC. 107. MOTIONS TO REOPEN.**

21 (a) **NATIONALS OF HAITI.**—Notwithstanding any
22 time and number limitations imposed by law on motions
23 to reopen, a national of Haiti who, on the date of enact-
24 ment of this Act, has a final administrative denial of an
25 application for adjustment of status under the Haitian

1 Refugee Immigration Fairness Act of 1998, and is made
2 eligible for adjustment of status under that Act by the
3 amendments made by this title, may file one motion to
4 reopen an exclusion, deportation, or removal proceeding
5 to have the application reconsidered. Any such motion
6 shall be filed within 180 days of the date of enactment
7 of this Act. The scope of any proceeding reopened on this
8 basis shall be limited to a determination of the alien's eli-
9 gibility for adjustment of status under the Haitian Ref-
10 ugee Immigration Fairness Act of 1998.

11 (b) NATIONALS OF CUBA.—Notwithstanding any
12 time and number limitations imposed by law on motions
13 to reopen, a national of Cuba or Nicaragua who, on the
14 date of enactment of the Act, has a final administrative
15 denial of an application for adjustment of status under
16 the Nicaraguan Adjustment and Central American Relief
17 Act, and who is made eligible for adjustment of status
18 under that Act by the amendments made by this title, may
19 file one motion to reopen an exclusion, deportation, or re-
20 moval proceeding to have the application reconsidered.
21 Any such motion shall be filed within 180 days of the date
22 of enactment of this Act. The scope of any proceeding re-
23 opened on this basis shall be limited to a determination
24 of the alien's eligibility for adjustment of status under the
25 Nicaraguan Adjustment and Central American Relief Act.

1 **TITLE II—FILING DEADLINES**
 2 **FOR ADJUSTMENT OF STATUS**
 3 **OF CERTAIN CUBAN, NICA-**
 4 **RAGUAN, AND HAITIAN NA-**
 5 **TIONALS**

6 **SEC. 201. EXTENSION OF FILING DEADLINES FOR APPLICA-**
 7 **TIONS FOR ADJUSTMENT OF STATUS OF CER-**
 8 **TAIN CUBAN, NICARAGUAN, AND HAITIAN NA-**
 9 **TIONALS.**

10 (a) NICARAGUAN ADJUSTMENT AND CENTRAL
 11 AMERICAN RELIEF ACT.—Notwithstanding the expiration
 12 of the application filing deadline in section 202(a)(1) of
 13 the Nicaraguan Adjustment and Central American Relief
 14 Act (as contained in Public Law 105–100; 8 U.S.C. 1255
 15 note), a Cuban or Nicaraguan national who is otherwise
 16 eligible for adjustment of status under that section may
 17 apply for that status through the date that is one year
 18 after the date of promulgation by the Attorney General
 19 of final regulations for the implementation of that section.

20 (b) HAITIAN REFUGEE IMMIGRATION FAIRNESS
 21 ACT.—Notwithstanding the expiration of the application
 22 filing deadline in section 902(a) of the Haitian Refugee
 23 Immigration Fairness Act of 1998 (as added by section
 24 101(h) of division A of Public Law 105–277), a Haitian
 25 national who is otherwise eligible for adjustment of status

1 under that section may apply for that status through the
 2 date that is one year after the date of promulgation by
 3 the Attorney General of final regulations for the imple-
 4 mentation of that section.

5 **TITLE III—LIBERIAN REFUGEE** 6 **IMMIGRATION FAIRNESS**

7 **SEC. 301. SHORT TITLE.**

8 This title may be referred to as the “Liberian Ref-
 9 ugee Immigration Fairness Act of 2000”.

10 **SEC. 302. ADJUSTMENT OF STATUS.**

11 (a) ADJUSTMENT OF STATUS.—

12 (1) IN GENERAL.—

13 (A) ELIGIBILITY.—The Attorney General
 14 shall adjust the status of an alien described in
 15 subsection (b) to that of an alien lawfully ad-
 16 mitted for permanent residence, if the alien—

17 (i) applies for adjustment before April
 18 1, 2004; and

19 (ii) is otherwise eligible to receive an
 20 immigrant visa and is otherwise admissible
 21 to the United States for permanent resi-
 22 dence, except that, in determining such ad-
 23 missibility, the grounds for inadmissibility
 24 specified in paragraphs (4), (5), (6)(A),
 25 and (7)(A) of section 212(a) of the Immi-

1 gration and Nationality Act shall not
2 apply.

3 (B) INELIGIBLE ALIENS.—An alien shall
4 not be eligible for adjustment of status under
5 this section if the Attorney General finds that
6 the alien has been convicted of—

7 (i) any aggravated felony (as defined
8 in section 101(a)(43) of the Immigration
9 and Nationality Act (8 U.S.C.
10 1101(a)(43)); or

11 (ii) two or more crimes involving
12 moral turpitude.

13 (2) RELATIONSHIP OF APPLICATION TO CER-
14 TAIN ORDERS.—An alien present in the United
15 States who has been ordered excluded, deported, re-
16 moved, or ordered to depart voluntarily from the
17 United States under any provision of the Immigra-
18 tion and Nationality Act may, notwithstanding such
19 order, apply for adjustment of status under para-
20 graph (1), if otherwise qualified under that para-
21 graph. Such an alien may not be required, as a con-
22 dition on submitting or granting such application, to
23 file a separate motion to reopen, reconsider, or va-
24 cate such order. If the Attorney General grants the
25 application, the Attorney General shall cancel the

1 order. If the Attorney General makes a final decision
2 to deny the application, the order shall be effective
3 and enforceable to the same extent as if the applica-
4 tion had not been made.

5 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
6 TUS.—

7 (1) IN GENERAL.—The benefits provided by
8 subsection (a) shall apply to any alien—

9 (A) who is—

10 (i) a national of Liberia; and

11 (ii) has been continuously present in
12 the United States from January 1, 1999,
13 through the date of application under sub-
14 section (a); or

15 (B) who is the spouse, child, or unmarried
16 son or daughter of an alien described in sub-
17 paragraph (A).

18 (2) DETERMINATION OF CONTINUOUS PHYS-
19 ICAL PRESENCE.—For purposes of establishing the
20 period of continuous physical presence referred to in
21 paragraph (1), an alien shall not be considered to
22 have failed to maintain continuous physical presence
23 by reasons of an absence, or absences, from the
24 United States for any period or periods amounting
25 in the aggregate to not more than 180 days.

1 (c) STAY OF REMOVAL.—

2 (1) IN GENERAL.—The Attorney General shall
3 provide by regulation for an alien who is subject to
4 a final order of deportation or removal or exclusion
5 to seek a stay of such order based on the filing of
6 an application under subsection (a).

7 (2) DURING CERTAIN PROCEEDINGS.—Notwith-
8 standing any provision of the Immigration and Na-
9 tionality Act, the Attorney General shall not order
10 an alien to be removed from the United States if the
11 alien is in exclusion, deportation, or removal pro-
12 ceedings under any provision of such Act and has
13 applied for adjustment of status under subsection
14 (a), except where the Attorney General has made a
15 final determination to deny the application.

16 (3) WORK AUTHORIZATION.—The Attorney
17 General may authorize an alien who has applied for
18 adjustment of status under subsection (a) to engage
19 in employment in the United States during the
20 pendency of such application and may provide the
21 alien with an “employment authorized” endorsement
22 or other appropriate document signifying authoriza-
23 tion of employment, except that, if such application
24 is pending for a period exceeding 180 days and has

1 not been denied, the Attorney General shall author-
2 ize such employment.

3 (d) RECORD OF PERMANENT RESIDENCE.—Upon
4 approval of an alien’s application for adjustment of status
5 under subsection (a), the Attorney General shall establish
6 a record of the alien’s admission for permanent record as
7 of the date of the alien’s arrival in the United States.

8 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
9 The Attorney General shall provide to applicants for ad-
10 justment of status under subsection (a) the same right to,
11 and procedures for, administrative review as are provided
12 to—

13 (1) applicants for adjustment of status under
14 section 245 of the Immigration and Nationality Act;
15 or

16 (2) aliens subject to removal proceedings under
17 section 240 of such Act.

18 (f) LIMITATION ON JUDICIAL REVIEW.—A deter-
19 mination by the Attorney General as to whether the status
20 of any alien should be adjusted under this section is final
21 and shall not be subject to review by any court.

22 (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—
23 Whenever an alien is granted the status of having been
24 lawfully admitted for permanent residence pursuant to
25 this section, the Secretary of State shall not be required

1 to reduce the number of immigrant visas authorized to be
2 issued under any provision of the Immigration and Na-
3 tionality Act.

4 (h) APPLICATION OF IMMIGRATION AND NATION-
5 ALITY ACT PROVISIONS.—Except as otherwise specifically
6 provided in this title, the definitions contained in the Im-
7 migration and Nationality Act shall apply in the adminis-
8 tration of this section. Nothing contained in this title shall
9 be held to repeal, amend, alter, modify, effect, or restrict
10 the powers, duties, function, or authority of the Attorney
11 General in the administration and enforcement of such
12 Act or any other law relating to immigration, nationality,
13 or naturalization. The fact that an alien may be eligible
14 to be granted the status of having been lawfully admitted
15 for permanent residence under this section shall not pre-
16 clude the alien from seeking such status under any other
17 provision of law for which the alien may be eligible.

1 **TITLE IV—INCREASED FLEXI-**
 2 **BILITY IN EMPLOYMENT-**
 3 **BASED IMMIGRATION**

4 **SEC. 401. LIMITATION ON PER COUNTRY CEILING WITH RE-**
 5 **SPECT TO EMPLOYMENT-BASED IMMI-**
 6 **GRANTS.**

7 (a) SPECIAL RULES.—Section 202(a) of the Immi-
 8 gration and Nationality Act (8 U.S.C. 1152(a)) is amend-
 9 ed by adding at the end the following new paragraph:

10 “(5) RULES FOR EMPLOYMENT-BASED IMMI-
 11 GRANTS.—

12 “(A) EMPLOYMENT-BASED IMMIGRANTS
 13 NOT SUBJECT TO PER COUNTRY LIMITATION IF
 14 ADDITIONAL VISAS AVAILABLE.—If the total
 15 number of visas available under paragraph (1),
 16 (2), (3), (4), or (5) of section 203(b) for a cal-
 17 endar quarter exceeds the number of qualified
 18 immigrants who may otherwise be issued such
 19 visas, the visas made available under that para-
 20 graph shall be issued without regard to the nu-
 21 merical limitation under paragraph (2) of this
 22 subsection during the remainder of the calendar
 23 quarter.

24 “(B) LIMITING FALL ACROSS FOR CERTAIN
 25 COUNTRIES SUBJECT TO SUBSECTION (E).—In

1 the case of a foreign state or dependent area to
 2 which subsection (e) applies, if the total number
 3 of visas issued under section 203(b) exceeds the
 4 maximum number of visas that may be made
 5 available to immigrants of the state or area
 6 under section 203(b) consistent with subsection
 7 (e) (determined without regard to this para-
 8 graph), in applying subsection (e) all visas shall
 9 be deemed to have been required for the classes
 10 of aliens specified in section 203(b).”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) Section 202(a)(2) of the Immigration and
 13 Nationality Act (8 U.S.C. 1152(a)(2)) is amended
 14 by striking “paragraphs (3) and (4)” and inserting
 15 “paragraphs (3), (4), and (5)”.

16 (2) Section 202(e)(3) of the Immigration and
 17 Nationality Act (8 U.S.C. 1152(e)(3)) is amended by
 18 striking “the proportion of the visa numbers” and
 19 inserting “except as provided in subsection (a)(5),
 20 the proportion of the visa numbers”.

21 (c) ONE-TIME PROTECTION UNDER PER COUNTRY
 22 CEILING.—Notwithstanding section 214(g)(4) of the Im-
 23 migration and Nationality Act, any alien who—

1 (1) is the beneficiary of a petition filed under
 2 section 204(a) for a preference status under para-
 3 graph (1), (2), or (3) of section 203(b); and

4 (2) is eligible to be granted that status but for
 5 application of the per country limitations applicable
 6 to immigrants under those paragraphs,
 7 may apply for, and the Attorney General may grant, an
 8 extension of such nonimmigrant status until the alien's
 9 application for adjustment of status has been processed
 10 and a decision made thereon.

11 **SEC. 402. INCREASED PORTABILITY OF H-1B STATUS.**

12 (a) IN GENERAL.—Section 214 of the Immigration
 13 and Nationality Act (8 U.S.C. 1184) is amended by add-
 14 ing at the end the following new subsection:

15 “(m)(1) A nonimmigrant alien described in para-
 16 graph (2) who was previously issued a visa or otherwise
 17 provided nonimmigrant status under section
 18 101(a)(15)(H)(i)(b) is authorized to accept new employ-
 19 ment upon the filing by the prospective employer of a new
 20 petition on behalf of such nonimmigrant as provided under
 21 subsection (a). Employment authorization shall continue
 22 for such alien until the new petition is adjudicated. If the
 23 new petition is denied, such authorization shall cease.

24 “(2) A nonimmigrant alien described in this para-
 25 graph is a nonimmigrant alien—

7 “(C) who, subsequent to such lawful admission,
8 has not been employed without authorization in the
9 United States before the filing of such petition.”.

13 SEC. 403. SPECIAL PROVISIONS IN CASES OF LENGTHY AD-
14 JUDICATIONS.

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1 203(b), has been filed, if 365 days or more have elapsed
 2 since—

3 (1) the filing of a labor certification application
 4 on the alien’s behalf (if such certification is required
 5 for the alien to obtain status under section 203(b));
 6 or

7 (2) the filing of the petition under section
 8 204(b).

9 (b) EXTENSION OF H1-B WORKER STATUS.—The
 10 Attorney General shall extend the stay of an alien who
 11 qualifies for an exemption under subsection (a) in one-year
 12 increments until such time as a final decision is made on
 13 the alien’s lawful permanent residence.

14 (c) INCREASED JOB FLEXIBILITY FOR LONG DE-
 15 LAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

16 (1) Section 204 of the Immigration and Nation-
 17 ality Act (8 U.S.C. 1154) is amended by adding at
 18 the end the following new subsection:

19 “(j) JOB FLEXIBILITY FOR LONG DELAYED APPLI-
 20 CANTS FOR ADJUSTMENT OF STATUS TO PERMANENT
 21 RESIDENCE.—A petition under subsection (a)(1)(D) for
 22 an individual whose application for adjustment of status
 23 pursuant to section 245 has been filed and remained
 24 unadjudicated for 180 days or more shall remain valid
 25 with respect to a new job if the individual changes jobs

1 or employers if the new job is in the same or a similar
 2 occupational classification as the job for which the petition
 3 was filed.”.

4 (2) Section 212(a)(5)(A) of the Immigration
 5 and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is
 6 amended by adding at the end the following new
 7 clause:

8 “(iv) LONG DELAYED ADJUSTMENT
 9 APPLICANTS.—A certification made under
 10 clause (i) with respect to an individual
 11 whose petition is covered by section 204(j)
 12 shall remain valid with respect to a new
 13 job accepted by the individual after the in-
 14 dividual changes jobs or employers if the
 15 new job is in the same or a similar occupa-
 16 tional classification as the job for which
 17 the certification was issued.”.

18 (d) RECAPTURE OF UNUSED EMPLOYMENT-BASED
 19 IMMIGRANT VISAS.—

20 (1) IN GENERAL.—Notwithstanding any other
 21 provision of law, the number of employment-based
 22 visas (as defined in paragraph (3)) made available
 23 for a fiscal year (beginning with fiscal year 2001)
 24 shall be increased by the number described in para-
 25 graph (2). Visas made available under this sub-

1 section shall only be available in a fiscal year to em-
2 ployment-based immigrants under paragraph (1),
3 (2), or (3) of section 203(b) of the Immigration and
4 Nationality Act.

5 (2) NUMBER AVAILABLE.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), the number described in this para-
8 graph is the difference between the number of
9 employment-based visas that were made avail-
10 able in fiscal year 1999 and 2000 and the num-
11 ber of such visas that were actually used in
12 such fiscal years.

13 (B) REDUCTION.—The number described
14 in subparagraph (A) shall be reduced, for each
15 fiscal year after fiscal year 2001, by the cumu-
16 lative number of immigrant visas made avail-
17 able under paragraph (1) for previous fiscal
18 years.

19 (C) CONSTRUCTION.—Nothing in this
20 paragraph shall be construed as affecting the
21 application of section 201(c)(3)(C) of the Immi-
22 gration and Nationality Act (8 U.S.C.
23 1151(c)(3)(C)).

24 (3) EMPLOYMENT-BASED VISAS DEFINED.—For
25 purposes of this subsection, the term “employment-

1 based visa” means an immigrant visa which is issued
 2 pursuant to the numerical limitation under section
 3 203(b) of the Immigration and Nationality Act (8
 4 U.S.C. 1153(b)).

5 **TITLE V—RESTORATION OF**
 6 **SECTION 245(i)**

7 **SEC. 501. REMOVAL OF CERTAIN LIMITATIONS ON ELIGI-**
 8 **BILITY FOR ADJUSTMENT OF STATUS UNDER**
 9 **SECTION 245(i).**

10 (a) IN GENERAL.—Section 245(i)(1) of the Immigra-
 11 tion and Nationality Act (8 U.S.C. 1255(i)(1)) is amended
 12 by striking “(i)(1)” through “The Attorney General” and
 13 inserting the following:

14 “(i)(1) Notwithstanding the provisions of subsections
 15 (a) and (c) of this section, an alien physically present in
 16 the United States who—

17 “(A) entered the United States without inspec-
 18 tion; or

19 “(B) is within one of the classes enumerated in
 20 subsection (c) of this section;

21 may apply to the Attorney General for the adjustment of
 22 his or her status to that of an alien lawfully admitted for
 23 permanent residence. The Attorney General”.

24 (b) EFFECTIVE DATE.—The amendment made by
 25 subsection (a) shall be effective as if included in the enact-

1 ment of the Departments of Commerce, Justice, and
 2 State, the Judiciary, and Related Agencies Appropriations
 3 Act, 1998 (Public Law 105–119; 111 Stat. 2440).

4 **TITLE VI—REGISTRY DATES**

5 **SEC. 601. SHORT TITLE.**

6 This title may be cited as the “Date of Registry Act
 7 of 2000”.

8 **SEC. 602. RECORD OF ADMISSION FOR PERMANENT RESI-** 9 **DENCE IN THE CASE OF CERTAIN ALIENS.**

10 (a) IN GENERAL.—Section 249 of the Immigration
 11 and Nationality Act (8 U.S.C. 1259) is amended—

12 (1) in subsection (a), by striking “January 1,
 13 1972” and inserting “January 1, 1986”; and

14 (2) by striking “JANUARY 1, 1972” in the head-
 15 ing and inserting “JANUARY 1, 1986”.

16 (b) EFFECTIVE DATES.—

17 (1) GENERAL RULE.—The amendments made
 18 by subsection (a) shall take effect on the date of en-
 19 actment of this Act.

20 (2) EXTENSION OF DATE OF REGISTRY.—

21 (A) PERIOD BEGINNING JANUARY 1,
 22 2002.—Beginning on January 1, 2002, section
 23 249 of the Immigration and Nationality Act (8
 24 U.S.C. 1259) is amended by striking “January

1 1, 1986” each place it appears and inserting
2 “January 1, 1987”.

3 (B) PERIOD BEGINNING JANUARY 1,
4 2003.—Beginning on January 1, 2003, section
5 249 of such Act is amended by striking “Janu-
6 ary 1, 1987” each place it appears and insert-
7 ing “January 1, 1988”.

8 (C) PERIOD BEGINNING JANUARY 1,
9 2004.—Beginning on January 1, 2004, section
10 249 of such Act is amended by striking “Janu-
11 ary 1, 1988” each place it appears and insert-
12 ing “January 1, 1989”.

13 (D) PERIOD BEGINNING JANUARY 1,
14 2005.—Beginning on January 1, 2005, section
15 249 of such Act is amended by striking “Janu-
16 ary 1, 1989” each place it appears and insert-
17 ing “January 1, 1990”.

18 (E) PERIOD BEGINNING JANUARY 1,
19 2006.—Beginning on January 1, 2006, section
20 249 of such Act is amended by striking “Janu-
21 ary 1, 1990” each place it appears and insert-
22 ing “January 1, 1991”.

1 **TITLE VII—BACKLOG REDUC-**
2 **TION FOR FAMILY-SPON-**
3 **SORED IMMIGRANTS**

4 **SEC. 701. FAMILY BACKLOG REDUCTION.**

5 (a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
6 MIGRANTS.—Notwithstanding section 201(a)(1) of the Im-
7 migration and Nationality Act, the number of aliens who
8 may be issued immigrant visas or who may otherwise ac-
9 quire the status of an alien lawfully admitted for perma-
10 nent residence as a family-sponsored immigrant described
11 in section 203(a) of such Act (or who are admitted under
12 section 211(a) of such Act on the basis of a prior issuance
13 of a visa to their accompanying parent under such section
14 203(a)) in any fiscal year is limited to—

15 (1) the number provided for in section
16 201(a)(1) of such Act, plus

17 (2) 200,000 for fiscal year 2001 and each fiscal
18 year thereafter.

19 (b) PER COUNTRY LEVELS FOR FAMILY-SPONSORED
20 IMMIGRANTS.—(1) Notwithstanding section 202(a)(2) of
21 the Immigration and Nationality Act, the total number of
22 immigrant visas made available to natives of any single
23 foreign state or dependent area under subsections (a) and
24 (b) of section 203 of that Act in any fiscal year may not
25 exceed the sum of—

1 (A) the number specified in section 202(a)(2) of
 2 that Act, plus

3 (B) the number computed under paragraph (2).

4 (2) The number computed under this paragraph is—

5 (A) 33 percent of the number computed under
 6 section 202(a)(2) of that Act for each of fiscal years
 7 2001, 2002, 2003, 2004, and 2005, or

8 (B) 25 percent of the number computed under
 9 section 202(a)(2) for each fiscal year thereafter.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—(1)

11 There are authorized to be appropriated to the Depart-
 12 ment of Justice and the Department of State such sums
 13 as may be necessary to provide for the additional visa
 14 issuances and admissions authorized under subsection (a).

15 (2) There are authorized to be appropriated to the
 16 Department of Justice such sums as may be necessary to
 17 process backlog adjudications of the Immigration and
 18 Naturalization Service.

19 **TITLE VIII—ALIEN CHILDREN** 20 **PROTECTION**

21 **SEC. 801. SHORT TITLE.**

22 This Act may be cited as the “Alien Children Protec-
 23 tion Act of 2000”.

1 **SEC. 802. USE OF APPROPRIATE FACILITIES FOR THE DE-**
2 **TENTION OF ALIEN CHILDREN.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), in the case of any alien under 18 years of age who
5 is awaiting final adjudication of the alien’s immigration
6 status and who does not have a parent, guardian, or rel-
7 ative in the United States into whose custody the alien
8 may be released, the Attorney General shall place such
9 alien in a facility appropriate for children not later than
10 72 hours after the Attorney General has taken custody
11 of the alien.

12 (b) EXCEPTION.—The provisions of subsection (a) do
13 not apply to any alien under 18 years of age who the At-
14 torney General finds has engaged in delinquent behavior,
15 is an escape risk, or has a security need greater than that
16 provided in a facility appropriate for children.

17 (c) DEFINITION.—In this section, the term “facility
18 appropriate for children” means a facility, such as foster
19 care or group homes, operated by a private nonprofit orga-
20 nization, or by a local governmental entity, with experience
21 and expertise in providing for the legal, psychological, edu-
22 cational, physical, social, nutritional, and health require-
23 ments of children. The term “facility appropriate for chil-
24 dren” does not include any facility used primarily to house
25 adults or delinquent minors.

1 **SEC. 803. ADJUSTMENT TO PERMANENT RESIDENT STATUS.**

2 Section 245 of the Immigration and Nationality Act
3 (8 U.S.C. 1255) is amended by adding at the end the fol-
4 lowing:

5 “(l)(1) The Attorney General may, in the Attorney
6 General’s discretion, adjust the status of an alien under
7 18 years of age who has no lawful immigration status in
8 the United States to that of an alien lawfully admitted
9 for permanent residence if—

10 “(A)(i) the alien (or a parent or legal guardian
11 acting on the alien’s behalf) has applied for the sta-
12 tus; and

13 “(ii) the alien has resided in the United States
14 for a period of 5 consecutive years; or

15 “(B)(i) no parent or legal guardian requests the
16 alien’s return to the country of the parent’s or
17 guardian’s domicile, or with respect to whom the At-
18 torney General finds that returning the child to his
19 or her country of origin would subject the child to
20 mental or physical abuse; and

21 “(ii) the Attorney General determines that it is
22 in the best interests of the alien to remain in the
23 United States notwithstanding the fact that the
24 alien is not eligible for asylum protection under sec-
25 tion 208 or protection under section 101(a)(27)(J).

1 “(2) The Attorney General shall make a determina-
 2 tion under paragraph (1)(B)(ii) based on input from a
 3 person or entity that is not employed by or a part of the
 4 Service and that is qualified to evaluate children and opine
 5 as to what is in their best interest in a given situation.

6 “(3) Upon the approval of adjustment of status of
 7 an alien under paragraph (1), the Attorney General shall
 8 record the alien’s lawful admission for permanent resi-
 9 dence as of the date of such approval, and the Secretary
 10 of State shall reduce by one the number of visas author-
 11 ized to be issued under sections 201(d) and 203(b)(4) for
 12 the fiscal year then current.

13 “(4) Not more than 500 aliens may be granted per-
 14 manent resident status under this subsection in any fiscal
 15 year.”.

16 **SEC. 804. ASSIGNMENT OF GUARDIANS AD LITEM TO ALIEN**
 17 **CHILDREN.**

18 (a) ASSIGNMENT.—Whenever a covered alien is a
 19 party to an immigration proceeding, the Attorney General
 20 shall assign such covered alien a child welfare professional
 21 or other individual who has received training in child wel-
 22 fare matters and who is recognized by the Attorney Gen-
 23 eral as being qualified to serve as a guardian ad litem (in
 24 this section referred to as the “guardian”). The guardian

1 shall not be an employee of the Immigration and Natu-
2 ralization Service.

3 (b) RESPONSIBILITIES.—The guardian shall ensure
4 that—

5 (1) the covered alien’s best interests are pro-
6 moted while the covered alien participates in, or is
7 subject to, the immigration proceeding; and

8 (2) the covered alien understands the pro-
9 ceeding.

10 (c) REQUIREMENTS ON THE ATTORNEY GENERAL.—
11 The Attorney General shall serve notice of all matters af-
12 fecting a covered alien’s immigration status (including all
13 papers filed in an immigration proceeding) on the covered
14 alien’s guardian.

15 (d) DEFINITION.—In this section, the term “covered
16 alien” means an alien—

17 (1) who is under 18 years of age;

18 (2) who has no lawful immigration status in the
19 United States and is not within the physical custody
20 of a parent or legal guardian; and

21 (3) whom no parent or legal guardian requests
22 the person’s return to the country of the parent’s or
23 guardian’s domicile or with respect to whom the At-
24 torney General finds that returning the child to his

1 or her country of origin would subject the child to
2 physical or mental abuse.

3 **SEC. 805. SENSE OF CONGRESS.**

4 Congress commends the Immigration and Naturaliza-
5 tion Service for its issuance of its “Guidelines for Chil-
6 dren’s Asylum Claims”, dated December 1998, and en-
7 courages and supports the Service’s implementation of
8 such guidelines in an effort to facilitate the handling of
9 children’s asylum claims.

10 **SEC. 806. GENERAL ACCOUNTING OFFICE REPORT.**

11 The Comptroller General of the United States shall
12 prepare a report to Congress regarding whether and to
13 what extent United States Embassy and consular officials
14 are fulfilling their obligation to reunify, on a priority basis,
15 children in foreign countries whose parent or parents are
16 legally present in the United States.

17 **TITLE IX—BENEFITS**
18 **RESTORATION**

19 **SEC. 901. SHORT TITLE.**

20 This title may be cited as the “Immigrant Children’s
21 Health Improvement Act of 2000”.

1 **SEC. 902. OPTIONAL ELIGIBILITY OF CERTAIN ALIEN PREG-**
 2 **NANT WOMEN AND CHILDREN FOR MED-**
 3 **ICAID.**

4 (a) IN GENERAL.—Subtitle A of title IV of the Per-
 5 sonal Responsibility and Work Opportunity Reconciliation
 6 Act of 1996 (8 U.S.C. 1611–1614) is amended by adding
 7 at the end the following:

8 **“SEC. 405. OPTIONAL ELIGIBILITY OF CERTAIN ALIENS FOR**
 9 **MEDICAID.**

10 “(a) OPTIONAL MEDICAID ELIGIBILITY FOR CER-
 11 TAIN ALIENS.—A State may elect to waive (through an
 12 amendment to its State plan under title XIX of the Social
 13 Security Act) the application of sections 401(a), 402(b),
 14 403, and 421 with respect to eligibility for medical assist-
 15 ance under the program defined in section 402(b)(3)(C)
 16 (relating to the medicaid program) of aliens who are law-
 17 fully residing in the United States (including battered
 18 aliens described in section 431(c)), within any or all (or
 19 any combination) of the following categories of individuals:

20 “(1) PREGNANT WOMEN.—Women during preg-
 21 nancy (and during the 60-day period beginning on
 22 the last day of the pregnancy).

23 “(2) CHILDREN.—Children (as defined under
 24 such plan), including optional targeted low-income
 25 children described in section 1905(u)(2)(B).”.

1 (b) APPLICABILITY OF AFFIDAVITS OF SUPPORT.—
 2 Section 213A(a) of the Immigration and Nationality Act
 3 (8 U.S.C. 1183a(a)) is amended by adding at the end the
 4 following:

5 “(4) INAPPLICABILITY TO BENEFITS PROVIDED
 6 UNDER A STATE WAIVER.—For purposes of this sec-
 7 tion, the term ‘means-tested public benefits’ does not
 8 include benefits provided pursuant to a State elec-
 9 tion and waiver described in section 405 of the Per-
 10 sonal Responsibility and Work Opportunity Rec-
 11 onciliation Act of 1996.”.

12 (c) CONFORMING AMENDMENTS.—

13 (1) Section 401(a) of the Personal Responsi-
 14 bility and Work Opportunity Reconciliation Act of
 15 1996 (8 U.S.C. 1611(a)) is amended by inserting
 16 “and section 405” after “subsection (b)”.

17 (2) Section 402(b)(1) of the Personal Responsi-
 18 bility and Work Opportunity Reconciliation Act of
 19 1996 (8 U.S.C. 1612(b)(1)) is amended by inserting
 20 “, section 405,” after “403”.

21 (3) Section 403(a) of such Act (8 U.S.C.
 22 1613(a)) is amended by inserting “section 405 and”
 23 after “provided in”.

24 (4) Section 421(a) of such Act (8 U.S.C.
 25 1631(a)) is amended by inserting “except as pro-

1 vided in section 405,” after “Notwithstanding any
2 other provision of law,”.

3 (5) Section 1903(v)(1) of the Social Security
4 Act (42 U.S.C. 1396b(v)(1)) is amended by insert-
5 ing “and except as permitted under a waiver de-
6 scribed in section 405(a) of the Personal Responsi-
7 bility and Work Opportunity Reconciliation Act of
8 1996,” after “paragraph (2),”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section take effect on October 1, 1999.

11 **SEC. 903. OPTIONAL ELIGIBILITY OF IMMIGRANT CHIL-**
12 **DREN FOR SCHIP.**

13 (a) IN GENERAL.—Section 405 of the Personal Re-
14 sponsibility and Work Opportunity Reconciliation Act of
15 1996, as added by section 102(a), is further amended—

16 (1) in the heading, by inserting “**AND SCHIP**”
17 before the period; and under that section may apply
18 for that status through the date that is one year
19 after the date of promulgation by the Attorney Gen-
20 eral of final regulations for the implementation of
21 that section.

1 **TITLE X—ADMISSION OF**
 2 **SPOUSES AND CHILDREN OF**
 3 **CERTAIN NONIMMIGRANTS**

4 **SEC. 1001. ADMISSION OF CERTAIN “B” AND “F” VISA NON-**
 5 **IMMIGRANTS WHO ARE SPOUSES OR CHIL-**
 6 **DREN OF UNITED STATES PERMANENT RESI-**
 7 **DENT ALIENS.**

8 Section 212 of the Immigration and Nationality Act
 9 (8 U.S.C. 1182) is amended by adding at the end thereof
 10 the following new subsection:

11 “(r)(1) Notwithstanding any other provision of law,
 12 no alien—

13 “(A) who is—

14 “(i) the spouse or child of an alien lawfully
 15 admitted for permanent residence to the United
 16 States; and

17 “(ii) not eligible to enter the United States
 18 as an immigrant except by reason of being such
 19 a spouse or child; and

20 “(B) who seeks admission to the United States
 21 for purposes of visiting the permanent resident
 22 spouse or parent or for studying in the United
 23 States; and

24 “(C) who is otherwise qualified;

1 may be denied issuance of a visa, or may be denied admis-
2 sion to the United States, as a nonimmigrant alien de-
3 scribed in section 101(a)(15)(B) who is coming to the
4 United States temporarily for pleasure or as a non-
5 immigrant alien described in section 101(a)(15)(F).

6 “(2) Whenever an alien described in paragraph (1)
7 seeks admission to the United States as a nonimmigrant
8 alien described in section 101(a)(15)(B) who is coming
9 temporarily for pleasure or as a nonimmigrant alien de-
10 scribed in section 101(a)(15)(F), the fact that a petition
11 has been filed on the alien’s behalf for classification of
12 the alien as an alien lawfully admitted for permanent resi-
13 dence shall not constitute evidence of the alien’s intention
14 to abandon his or her foreign residence.”.

